

SENATE No. 3236

Senate, July 30, 2026 -- Substituted as a new draft (Senator Fernandes) for the Senate Bill authorizing the Massachusetts Department of Fish and Game to convey easements over certain parcels of land (Senate, No. 3189).

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act authorizing the Massachusetts Department of Fish and Game to convey easements over certain parcels of land.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the
2 General Laws or any other general or special law to the contrary, the commissioner of capital
3 asset management and maintenance, in consultation with the commissioner of fish and game,
4 may convey, amend, assign or otherwise transfer to Algonquin Gas Transmission, LLC a 50 foot
5 wide permanent right-of-way and easement for: (i) the purpose of constructing, maintaining and
6 operating a pipeline, together with any and all necessary or useful appurtenances thereto; (ii) the
7 transmission of natural gas and all by-products thereof; and (iii) permanent access roads
8 necessary to access such facilities. The easements may be granted on the properties described in
9 subsection (b) currently held for fish and wildlife conservation, natural habitat protection and
10 associated public recreation in accordance with Article XCVII of the Amendments to the
11 Constitution of the commonwealth. The grant of the easement shall be on such terms and

conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may determine.

(b) The easements described in subsection (a) may be granted on parcels more particularly described as the following: located within joint base cape cod, shown on the town of Bourne assessor's map as tax parcel number 44.0_50_0 and tax parcel number 17.0_3_0. The easements and permanent access roads are approximately 5.272 acres, as more particularly shown as "Proposed New Perm. Easement" and "Perm. Access Rd" on Sheets 1-5, and 17 of 17 of the plans entitled, "Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts," Tracts G-31-MA-BA-023 and G-32-MA-BA-001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and shown as "Proposed New Perm. Easement" and "Perm. Access Rd" on Sheets 2, 3, 6, and 7 of 7 of the plans entitled, "Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts," Tracts G-31-MA-BA-025 and G-32-MA-BA-001.001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025.

SECTION 2. In consideration for the conveyance authorized in section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the commonwealth, Algonquin Gas Transmission, LLC shall convey to the commonwealth an approximately 7.00 acre parcel of land shown as, "Proposed Conveyance to the Department of Fish and Game" on a plan entitled "Plan of Land Stop & Shop Supermarket Company, LLC Bourne, MA" dated May 20, 2026, prepared by Vanasse Hangen Brustlin, Inc., for the purposes of fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with said Article 97.

SECTION 3. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may convey, amend, assign or otherwise transfer to Algonquin Gas Transmission, LLC a 50 foot wide permanent right-of-way and easement for: (i) the purpose of constructing, maintaining and operating a pipeline, together with any and all necessary or useful appurtenances thereto; (ii) the transmission of natural gas and all by-products thereof; and (iii) permanent access roads necessary to access such facilities and temporary workspaces necessary for the construction of said facilities. The easements may be granted on the properties described in subsection (b) currently held for fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with Article XCVII of the Amendments to the Constitution of the commonwealth. The grant of the easement shall be on such terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may determine.

(b) The easements described in subsection (a) may be granted on parcels more particularly described and located within joint base cape cod: (i) shown on the town of Bourne assessor's map as tax parcel number 44.0_50_0, and Tax Parcel Number 17.0_3_0. The easements and permanent access roads are particularly shown as, "Proposed New Perm. Easement" and "Perm. Access Rd" on the plans entitled, "Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts," Tracts G-31-MA-BA-023 and G-32-MA-BA-001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and shown as "Proposed New Perm. Easement" and "Perm. Access Rd" on the plans entitled, "Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts," Tracts G-31-

MA-BA-025 and G-32-MA-BA-001.001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and (ii) shown on the town of Bourne assessor's map as tax parcel number 10.0_7_0, more particularly shown on the plan entitled, "Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts," Tract G-31-MA-BA-007, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025.

SECTION 4. (a) The value of the easements described in sections 1 and 3 and the value of the property interest to be conveyed to the commonwealth pursuant to section 2 shall be determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The commissioner may, in consultation with the commissioner of fish and game, accept an appraisal of said easements and property interest conducted prior to the effective date of this act. The commissioner of capital asset management and maintenance shall submit the appraisal to the inspector general for his review and comment. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the report with the commissioner for submission by the commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner shall submit copies of the appraisals, and the inspector general's report to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight before the execution of the conveyances.

(b) Algonquin Gas Transmission, LLC shall compensate the commonwealth in an amount greater than, or equal to, the full and fair market value, or the value in use of the easements

authorized in sections 1 and 3, whichever is greater, as determined by the independent appraisals. The commonwealth shall not be obligated to pay any consideration to Algonquin Gas Transmission, LLC if the appraised value of any parcels or interests conveyed to the commonwealth exceeds the value of the easements authorized in section 1 and 3. All money paid to the commonwealth by Algonquin Gas Transmission, LLC as a result of the conveyance of the easements authorized by this act shall be deposited in the Biodiversity Fund established by section 35D ½ of chapter 10 of the General Laws, to be used for future land acquisition by the department of fish and game.

(c) If the independent appraisal shows that the fair market value or value in use, whichever is greater, of the interests described in section 1 are not equal to or greater than the fair market value or value in use, whichever is greater, of the property interest to be conveyed to the commonwealth pursuant to section 2, then Algonquin Gas Transmission, LLC shall compensate the commonwealth in an amount equal to or greater than this difference in monetary value. All money paid to the commonwealth by Algonquin Gas Transmission, LLC as a result of the conveyance of the easements authorized by this act shall be deposited in the Biodiversity Fund established by section 35D ½ of chapter 10 of the General Laws, to be used for future land acquisition by the department of fish and game.

SECTION 5. Algonquin Gas Transmission LLC shall be responsible for all costs associated with engineering, surveys, appraisals, document preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to effect the conveyances authorized by this act.